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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 006619

SIPDIS

GENEVA FOR RMA

E.O. 12958: DECL: 10/19/2015

TAGS: [PREL](#) [PREF](#) [TH](#) [CM](#) [CAMBODIA](#)

SUBJECT: SITUATION OF THREE CAMBODIANS WHO HAVE FLED TO THAILAND

REF: PHNOM PENH

Classified By: POLITICAL COUNSELOR SUSAN SUTTON. REASON 1.4 (B, D)

11. (C) Summary. UNHCR reported October 19 that it was very concerned about the three Cambodians from the Cambodian Watchdog Council who have fled to Thailand. UNHCR is worried that the Thai government may see the situation as similar to that of the 131 Thai who fled southern Thailand to Malaysia and whom the Thai requested that the Malaysian government return. UNHCR Bangkok chief Utkan told General Winai, the head of the Thai National Security Council, on October 19 that UNHCR considered the Cambodians to be refugees. Utkan stated that the issue was already very public and warned that UNHCR headquarters would issue a strong public condemnation if the Thai deported the three back to Cambodia. Winai said that the Thai had not yet received a Cambodian extradition request for the three. UNHCR has postponed its refugee status determination interviews of the three out of concern for their safety and to get a better sense of what the Thai approach will be. Embassy raised the issue of the Cambodians informally with the Thai on October 19, noting the high level of international interest. End summary.

12. (C) During a previously scheduled October 19 meeting, Embassy Political Counselor discussed with UNHCR Bangkok chief Hasim Utkan the situation of the three Cambodians (Man Nath, Ear Channa, and Chhan Channy from the Cambodian Watchdog Council) who have fled to Thailand. Utkan said that he had received a number of communications from NGOs and human rights groups expressing concern about these men and the possibility of deportation from Thailand. Utkan emphasized that he was very worried. It would be a major mistake if the Thai sent the three back to Cambodia. If that were to happen, UNHCR would have no choice but to issue a strong public condemnation. Utkan stated that he was worried the Thai would see the Cambodians, situation as similar to the 131 Thai who recently fled southern Thailand to Malaysia. The Thai had requested that the Malaysian government return the group. To be consistent, the Thai may think that they would have to deport the Cambodians. Embassy Political Counselor said that we shared UNHCR's concern about the situation.

13. (C) Utkan said that he had decided to postpone the refugee status determination interviews with the three Cambodians scheduled for October 19. His reasons were a concern for their security and a desire to determine the Thai government's approach. The three persons are in an NGO safehouse and their security could be in jeopardy if they were to come to the UNHCR office. Utkan noted that Cambodian security personnel had approached UNHCR Phnom Penh and asked for UNHCR Bangkok's address. The Thai National Intelligence Agency had also contacted UNHCR about the three Cambodians. Utkan noted that if UNHCR conducted refugee status determinations and found that the three were refugees and resettlement was the appropriate solution, an exit permit from the Thai government would be necessary before they could depart Thailand. Utkan continued that UNHCR had so far had no direct contact with the Cambodians. An NGO had served as an intermediary. The NGO had told UNHCR that the Cambodians had entered Thailand with a one-day border pass, not with passports. They had therefore already overstayed and were now in Thailand illegally.

14. (C) Utkan met later on October 19 with General Winai, the head of the Thai National Security Council. Utkan reported to Refcoord that he told Winai that UNHCR considered the three Cambodians as refugees and was concerned about their physical security. Utkan also told Winai that he had received numerous inquiries and expressions of concern from NGOs and human rights groups. The situation of the Cambodians was already a very public issue. Utkan informed Winai that if the Cambodians were deported there would inevitably be a strong public reaction from UNHCR Geneva. Utkan said he offered emergency resettlement of the three to a third country. Another alternative could be letting the situation cool down and seeing if the three Cambodians could work out some agreement later with the Cambodian government that would permit their return.

15. (C) Utkan reported that Winai did not seem fully informed about the situation. Winai said that the Thai government had

not yet received a formal extradition request from the Cambodians but noted that the Thai and Cambodian governments were holding a joint commission meeting the same day in Phnom Penh and the issue could arise in that setting. Winai said that direct resettlement from Thailand would be difficult given the visibility of the issue and that the best alternative might be to find some way to gain time and let the situation cool down. Utkan and Winai agreed to be in daily contact on the matter.

16. (C) In a later meeting with Ministry of Foreign Affairs Director General Nongnuth Phetcharatana, Political Counselor informally raised the issue of the Cambodians and noted the high level of international concern that was already apparent. Nongnuth was not aware of the issue and did not respond substantively. Afterwards, a lower-level MFA official noted that the situation was similar to that of the 131 Thai who had fled to Malaysia and confirmed that this made the situation more difficult.

17. (C) Comment. UNHCR's meeting with Winai and ours with the MFA have brought the issue to the attention of the elements in the Thai government who will be most likely to take international concerns into consideration. Nonetheless, the timing -- coinciding with Bangkok's demands for the return of the 131 Thai in Malaysia -- will make the issue more complicated to resolve.

BOYCE